

CHAPTER 89. SPECIAL FLIGHT PERMIT WITH CONTINUING AUTHORIZATION TO CONDUCT FERRY FLIGHTS

SECTION 1. BACKGROUND

1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.

A. *Maintenance:* 3404

B. *Avionics:* 5404

2. OBJECTIVE. This chapter provides information and guidance for issuing or amending operations specifications (OpSpecs) or management specifications (MSpecs) for a special flight permit to conduct ferry flights with continuing authorization as provided in Title 14 of the Code of Federal Regulations (14 CFR) part 21, § 21.197(c).

NOTE: MSpecs apply only to those operations conducted under 14 CFR part 91, subpart K.

3. GENERAL. The purpose of the continuing authorization is to allot certain eligible operators, in accordance with documented procedures, to move, without delay, a damaged airplane, which is capable of safe flights to a base, where repairs can be made. A damaged aircraft is defined as an aircraft that has sustained physical damage, has inoperative/malfunctioning equipment, does not meet applicable airworthiness requirements or, in the case of international operations, does not meet the comprehensive and detailed airworthiness code as provided by Annex 8 to the Convention on International Civil Aviation Organization (ICAO).

A. *Issuance.* The authorizing statute, § 21.197(c), does not automatically authorize the issuance of permits to all eligible operators or fractional program managers (hereafter referred to as the program manager). Therefore, an eligible operator's OpSpecs or eligible program manager's MSpecs will be used to authorize the permits and to ensure responsible use of the permit.

B. *Eligibility.*

(1) The special flight permit is issued only to operators/program managers subject to the following:

- Certificate-holders authorized to conduct operations under 14 CFR part 121
- Certificate-holders authorized to conduct operations under 14 CFR part 135 for those aircraft they operate and maintain under a continuous airworthiness maintenance program prescribed by § 135.411(a)(2) or 135.411(b)
- MSpec holder authorized to conduct operations under part 91, subpart K, for those aircraft they operate and maintain under a continuous airworthiness maintenance program prescribed by § 91.1411

NOTE: Operators subject to part 135 § 135.411(a)(1) are not eligible.

(2) Aircraft involved in an accident or incident may not be ferried prior to notifying the Federal Aviation Administration (FAA) accident coordinator.

(3) An Airworthiness Directive (AD) may dictate that safety demands further limitations. The AD may limit ferry flights under § 21.197 to those specifically approved by the FAA. Part 39, § 39.23 states that a special flight permit may be issued to fly an aircraft to a repair facility to do the work required by the AD unless the AD states otherwise.

C. *Manual Review.*

(1) The operator/program manager may consider certain conditions and limitations necessary to facilitate the inspection and operation of an aircraft. These conditions should be included in the operator/program manager's manual.

(2) When reviewing manual materials, the following items should be considered:

- (a) Technical data.
- (b) Operational equipment necessary for safe operation of the aircraft.
- (c) Aircraft weight limits.
- (d) Fuel distribution limits.
- (e) Center of gravity limits.
- (f) Aircraft maneuver limitations.
- (g) Flight equipment usage limitations, e.g., autopilot, etc.
- (h) Airspeed limits.
- (i) Meteorological limits, including:
 - Conditions to be avoided
 - Required inspections when these conditions are encountered
 - Weather minimums

C. Authorization for Ferry Flights with One Engine Inoperative. Part 121/125/135.411(a)(2) certificate holders may conduct a ferry flight of a four-engine airplane or a turbine engine-powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine. It is important to understand that § 91.611 gives the authorization to conduct these types of ferry flights; therefore, these particular flights are not governed by § 21.197 nor is authorization by OpSpec D084 required as long as all applicable requirements of § 91.611 are met. The following restrictions will apply:

- (1) The particular airplane model must have had a test flight conducted with an engine inoperative in accordance with performance data contained in the applicable Aircraft Flight Manual (AFM).
- (2) The approved AFM must contain the performance data, in accordance with § 91.611.
- (3) The certificate holder's manual must contain operating procedures for the safe operation of the airplane, including the specific requirements listed in § 91.611.
- (4) The certificate holder may not depart an airport where the initial climb-out is in thickly-

populated areas or the weather conditions at the takeoff or destination airport are less than those required for visual flight rules (VFR) flight.

(5) Only required flight crewmembers can be carried aboard during this ferry flight.

(6) The required flight crewmembers must be thoroughly familiar with the certificate holder's operating procedures and the airplane approved AFM for one-engine inoperative ferry flights.

NOTE: Authorization for ferry flights with on engine inoperative is not given to part 91, subpart K operators.

4. APPLICATIONS INVOLVING FOREIGN AIR TRANSPORTATION. ICAO Annex 8, Airworthiness of Aircraft, Section II details the airworthiness requirements for all contracting states. This section basically states that all contracting states operating their aircraft over foreign (other contracting states) territory must be airworthy. Because aircraft operated under the provisions of ICAO must meet this requirement any time an aircraft is to be operated in an unairworthy condition (under the provision of a special flight permit) the certificate holder must have special permission from each foreign country it wishes to fly over. Because of this requirement the special flight permit with continuing authorization alone is not valid outside the United States. It must be accompanied by special permission from each foreign country in order to be valid.

5. ISSUANCE OF CONTINUOUS SPECIAL FLIGHT AUTHORIZATION TO CERTAIN CANADIAN AIR CARRIERS. The FAA developed a new policy on this subject to satisfy Transport Canada's request to allow certain Canadian air carriers continuous (blanket) special flight authorization in U.S. airspace. Managers from the Aircraft Certification Service's Production and Airworthiness Certification Division, AIR-200, and Flight Standards Service's Aircraft Maintenance Division, AFS-300, issued a letter to Transport Canada outlining the FAA's policy and procedures for applying for this authorization. The purpose of the FAA's continuous (blanket) special flight authorization is to allow the appropriate FAA official (defined below) to issue the authorization for an operation that will be conducted numerous times during a given period or for a number of aircraft engaged in the same type operation; e.g., ferry flights.

A. Part 91, § 91.715 pertains to foreign-registered aircraft that do not meet applicable airworthiness requirements.

B. Canadian air carriers with valid, special purpose flight permits issued in accordance with the Canadian airworthiness manual, are the only applicants eligible for FAA continuous (blanket) special flight authorizations. These permits, issued by Transport Canada, allow Canadian air carriers to issue special flight authorizations for aircraft listed in their maintenance control manual that do not meet all airworthiness requirements, but are capable of safe operations.

C. When a Canadian air carrier applies to the FAA for a continuous (blanket) special flight authorization, the application required by § 91.715 must be submitted, in writing, to the FAA's regional Flight Standards division manager where the Canadian air carrier is based. However, the regional Flight Standards division manager may delegate the authority to issue a continuous (blanket) special flight authorization to the FAA's Flight Standards District Office (FSDO) where the Canadian air carrier's principal maintenance inspector (PMI) is located.

D. When Canadian air carriers are issued FAA continuous (blanket) special flight authorizations, they will be allowed to issue special flight authorizations in the United States. The following documents must be carried aboard Canadian aircraft when operated with a special flight authorization in the United States.

(1) A copy of the FAA continuous (blanket) special flight authorization.

(2) A copy of the Canadian air carrier's special purpose flight permit, issued by Transport Canada, and the appropriate section of its maintenance control manual.

E. The Canadian air carrier should inform its FAA PMI within 72 hours of operating an aircraft with the FAA continuous (blanket) special flight authorization of the reason (including aircraft

malfunction), date, registration, flight route, and preparatory maintenance actions accomplished.

6. DISPLAY OF PERMIT. The operator/program manager must display in the aircraft the current airworthiness certificate, including a special flight permit or authorization. The operator/program manager must carry the OpSpecs, MSpecs or portions of the certificate-holder's/program manager's manual containing those conditions and limitations imposed by the administrator, unless those conditions and limitations are listed on the Special Flight Permit Form used by the operator/program manager.

7. FACSIMILE (FAX) TRANSMISSION OF SPECIAL FLIGHT PERMITS. At the request of the applicant, a special flight permit may be transmitted via fax equipment using the sample format of the telegraphic special flight permit described in the current edition of FAA Order 8130.2, Airworthiness Certification of Aircraft and Related Products.

A. The permit must include any additional operating limitations that may be required and must be displayed in the aircraft in accordance with § 91.203 prior to conducting the special flight.

B. Sometimes the time normally required for postal delivery of FAA Form 8130-7, Special Airworthiness Certificate may be too long. The transmission of a special flight permit via fax allows an aircraft to be moved when the flight cannot be delayed.

C. Fax-transmitted special flight permits are to be used only for the following purposes:

- Flying the aircraft to a base where repairs, alteration, or maintenance are to be performed or to a point of storage
- Evacuating aircraft from areas of impending danger

NOTE: FAA Form 8130-7 must not be transmitted by fax.

[THIS PAGE INTENTIONALLY LEFT BLANK]

SECTION 2. PROCEDURES

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites:

- Knowledge of the regulatory requirements of 14 CFR parts 21, 39, 91, 121, and 135
- Successful completion of the Airworthiness Safety Inspectors Indoctrination course(s), or equivalent

B. *Coordination.* This task requires coordination between the assigned principal inspectors.

2. REFERENCES, FORMS, AND JOB AIDS.

A. References:

- Part 21, §§ 21.197 and 21.199; part 39, § 39.3; part 91, §§ 91.203, 91.611, and 91.1115(c); part 121; and part 135, § 135.411(a)(2)
- International Civil Aviation Organization (ICAO) Annex 8
- ATOS Data Collection Tools (DCT): 1.1.3

B. Forms:

- FAA Form 8400-8, Operations Specifications
- Management Specifications (MSpecs)

C. Job Aids:

- Automated OpSpecs/MSpecs checklists and worksheets
- JTA: 3.3.167

3. PROCEDURES.

A. *Verify the Operator's/Program Manager's Application.* Ensure that the operator/program manager has applied for an OpSpecs/MSpecs amendment with the district office in charge of inspecting its overall operation.

B. *Verify that the Aircraft is Capable of Safe Flight.* The aircraft does not have to meet all airworthiness requirements.

C. *Review the Operator's/Program Manager's Manual.* During the review, the reviewing inspector should keep the following in mind.

(1) Although each air carrier/program manager's system is required to meet the same requirements, the system and procedures developed and used by each individual air carrier to meet those requirements may be quite different from one another, yet still comply with the regulations and FAA standards.

(2) The air carrier/program manager's special flight permit procedures must address all special maintenance and/or temporary alterations accomplished in conjunction with the operation under the special flight permit, whether the maintenance or alteration was accomplished by authorized air carrier personnel or by authorized personnel outside of the air carrier's organization.

(3) The procedures must clearly identify the particular person(s), by job title or descriptions, who are responsible for carrying out each particular function of the special flight permit system.

(4) The air carrier's special flight permit procedures must not be contrary to the regulations, nor should the manual contain procedures that permit activity resulting in de facto exemptions to sections of 14 CFR.

D. *Procedures for Ferry Flights.* Ensure the manual includes the following:

(1) Provisions for conveying the authorization to ferry to the operating crew.

(2) A system for recording each flight conducted under this authorization.

(3) Procedures to determine that the proposed special flight complies with the 14 CFR and is not prohibited by any ADs.

(4) Procedures to allow additional crewmembers and other authorized persons to be carried aboard the aircraft during ferry flights when

the aircraft flight characteristics have not been appreciably changed or its operation in flight substantially affected. In these cases, the passenger carrying requirements of parts 121 and 135 are not abrogated by the special flight permit.

(5) Procedures to ensure the display of the current airworthiness certificate and any special flight permit or authorization.

(6) Procedures to ensure the review of the following items prior to releasing the ferry flight:

(a) Technical data to which the aircraft must perform.

(b) Operational equipment necessary for safe operation of the aircraft.

(c) Aircraft weight limits.

(d) Fuel distribution limits.

(e) Center of gravity limits.

(f) Aircraft maneuver limitations.

(g) Equipment usage limitations, e.g., autopilot.

(h) Airspeed limits.

(i) Meteorological limits, including:

- Conditions to be avoided
- Inspections required should these conditions be encountered inadvertently
- Weather minimums

(7) Procedures for personnel to follow when determining the inspections and tests necessary to ensure the damaged aircraft is capable of safe flight.

NOTE: The air carrier/program manager's manual must contain procedures to ensure that the aircraft is not operated if an affirmative technical determination cannot be made that a particular aircraft is capable of safe operation, because of insufficient design, inspection, maintenance, or flight operation data.

(8) Procedures to ensure that special permission is granted from each foreign authority prior to authorizing a special flight permit over their foreign countries.

(9) Procedures to ensure the PMI is notified prior to the movement of an aircraft that has been involved in an accident or incident.

E. One Engine-Inoperative Ferry Flights. Ensure the following:

(1) The certificate holder has a four-engine airplane or a turbine engine-powered airplane equipped with three engines.

(2) The applicable airplane has been previously test-flown with one engine inoperative in accordance with its approved Aircraft Flight Manual (AFM). The approved AFM must contain the following data:

(a) Maximum weight.

(b) Configuration of the inoperative propeller, if applicable.

(c) Runway length for takeoff, including temperature accountability.

(d) Altitude range.

(e) Certificate limitations.

(f) Ranges of operational limits.

(g) Performance information.

(h) Operating procedures.

(3) The certificate-holder's manual must include the following FAA-approved procedures:

(a) Procedures to limit the operating weight on any ferry flight to the minimum necessary for the flight plus the necessary reserve fuel load.

(b) A limitation that takeoffs must be made from dry runways unless, based on a showing of actual runway operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the approved AFM.

(c) Procedures for operations from airports in which the runways may require a takeoff or approach over populated areas.

(d) Inspection procedures for determining the operating conditions of the operative engines.

(e) A restriction that no person may takeoff from an airport in which the initial climb is over thickly-populated areas or weather conditions at the takeoff and destination airport are less than those required for VFR flight.

(f) Procedures that ensure carrying only essential flight crewmembers aboard the airplane during the ferry flight.

(g) Procedures that ensure flight crewmembers are thoroughly familiar with the operator/program manager's operating procedures and

the approved AFM for one engine-inoperative ferry flights.

F. Notification of Accident Coordinator. Notify the FAA accident coordinator prior to any authorization of an aircraft involved in an accident or incident.

4. TASK OUTCOMES.

A. Complete PTRS.

B. Complete the Task. Successful completion of this task will result in issuance of OpSpec D084 or MSPEC MD084.

C. Document Task. File all supporting paperwork in the operator's/program manager's office file.

5. FUTURE ACTIVITIES. Normal surveillance.

[THIS PAGE INTENTIONALLY LEFT BLANK]